HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 5396 of 2005

DATED: 5-10-2007

Between:

K.Srinivasa Rao

…Petitioner

and

The Chief General Manager,
Telecom, A.P. Circle, BSNL,
Nampally, Hyderabad and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 5396 of 2005

ORAL ORDER:

The petitioner who is the adopted son of the deceased casual labour in the respondent organization filed this writ petition seeking compassionate appointment.

It is the case of the petitioner that he was the adopted son of late Ganapathi who is a casual labour in the respondent-organization; that subsequent to the death of his adopted father, the adopted mother of the petitioner was given compassionate appointment as Casual Mazdoor and subsequently granted temporary status. While the petitioner's adopted mother was working as temporary status Mazdoor she also died on 9-10-1998. Thereafter the petitioner filed an application dated 6-4-2000 for grant of compassionate appointment in relaxation of recruitment rules. The said application was rejected by the 3rd respondent vide his letter dated 2-7-2002. Aggrieved by the same, the present writ petition is filed.

The respondents filed their counter-affidavit stating that as per the guidelines circulated by the 1st respondent dated 8-4-1999 on the scheme for compassionate appointment under the Central Government-Revised consolidated instructions, under Note II, only the dependents of Government servants appointed on regular basis are eligible to apply for compassionate appointment and not the dependents of persons appointed on daily wage or casual wage or

apprentice or adhoc or contract or re-employment basis. Hence by following those instructions, the application of the petitioner was rejected by duly intimating the same vide letter dated 2-7-2002.

Heard the learned counsel for the petitioner and as well as the learned counsel appearing on behalf of the respondents.

The main object of providing compassionate appointment to the family member of a deceased is to enable the family of the deceased to tide over the sudden crises that befalls on the death of the sole bread winner and grant of compassionate employment is not a matter of right. Providing of appointment on compassionate grounds is an exception to the normal rule of recruitment and it depends upon the statutory framework (See ***Shri Umesh Kumar Nagpal v. State of Haryana and others***[1]).

The petitioner has not produced any material to substantiate that he is in financial distress and he requires compassionate appointment. Apart from that his claim is based on adoption by the deceased casual labour and even the deceased is not a regular employee. On the other hand, as per the scheme for compassionate appointment only the dependents of Government servants appointed on regular basis are eligible to apply and not the dependents of persons appointed on daily wage or casual wage basis. In the circumstances, the respondents have rightly rejected the application of the petitioner.

There are no merits in the writ petition. The writ petition is accordingly dismissed. There shall be no order as to costs.

N.V.RAMANA, J

05-10-2007
GRR

[1] 1994 (4) SCC 138